VINOD NICHANI – SB#277607 NICHANI LAW FIRM 2 1250 Oakmead Pkwy., #210 Sunnyvale, California 94085 3 Phone: 408-800-6174 Fax: 408-290-9802 4 Email: vinod@nichanilawfirm.com 5 (Proposed) Attorney for Debtor-in-Possession VICTOR BATINOVICH 6 7 UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA 8 SAN JOSE DIVISION 9 In Re: Case No.: 17-52444 SLJ 11 10 CHAPTER 11 VICTOR BATINOVICH 11 12 Continued Hearing Debtor-in-Possession Date: January 10, 2017 13 Time: 10:30 a.m. Ctrm: 3099 14 15 16 17 **DEBTOR'S CHAPTER 11 CONTINUED STATUS CONFERENCE STATEMENT** 18

Victor Batinovich, the debtor in possession in the above-captioned Chapter 11 case (the "Debtor"), hereby submits his Chapter 11 Status Conference Statement in advance of the continued status conference, scheduled for January 10, 2017.

# A. The Debtors' Bankruptcy Filing and Current Situation

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a. On October 5, 2017 (the "Petition Date"), the Debtor in Possession (the "Debtor") filed a voluntary petition for relief under Chapter 11. The Debtor continues to manage its affairs as a Debtor-in-Possession pursuant to sections 1107(a) of the Bankruptcy Code.

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DEBTOR'S CONTINUED CHAPTER 11 STATUS CONFERENCE STATEMENT

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**b.** Debtor's primary goal was to retain his residence.

## B. Attendance at the Meeting of Creditors pursuant to 11 U.S.C. Section 341(a)

**a.** The 341 hearing has been continued to January 16, 2018.

## C. Debtor's Objectives in the Case

a. The Debtor's objective was to prepare a plan to reorganize his debt and retain his residence. Debtor is no longer protected by the automatic stay in that the automatic stay expired and he was unable impose the stay through an adversary proceeding. Consequently, the assistance of a Chapter 11 Plan is of no assistance to the Debtor. Further, the bankruptcy has been pending for less than three (3) months. Creditors will not be prejudiced by the dismissal and they will retain the same rights post-dismissal as they had prior to the Debtor filing the within Chapter 11 case. As a result debtor has filed a Motion to dismiss this matter, scheduled to be heard on January 10, 2018.

# **D.** Compliance with U.S. Trustee Requests

**a.** There are outstanding requests due to the trustee.

#### E. Anticipated Date for Filing a Plan and Disclosure Statement

**a.** N/A

#### F. Status of MOR's and DIP Accounts

**a.** Debtor has not yet filed operating reports nor opened DIP Accounts.

#### **G.** Retention of Professionals

a. N/A

### H. Use of Cash Collateral

a. N/A

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# **SUMMARY OF PROPOSED PLAN**

The Debtor has filed a Motion to dismiss his Chapter 11, scheduled to be heard

concurrently with the continued status conference on January 10, 2018.

Date: January 2, 2018 NICHANI LAW FIRM

/s/ Vinod Nichani
Vinod Nichani,
(Proposed) Attorney for Debtor-in-Possession
VICTOR BATINOVICH